

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16380 of 2004

Between:

Balagoni Lingamaiah @ Lingaiah,

S/o.Ramaiah,

R/o.Annogiguda, Pocharam Gram Panchayat,

Ghatkesar Mandal, R.R.Dist.

..... PETITIONER

AND

The Hyderabad Urban Development Authority,

Paigah Palace, Secunderabad.

Rep.by its Vice-Chairman

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in granting lay outs in Sy.Nos. 61, 68, 71 to 79, and 81 to 83 of Annogiguda village, Pocharam Grampanchayat of Ghatkesar Mandal, Ranga Reddy district without considering the petitioner's representation dated 4-9-2004 is bad, illegal, contrary to A.P.Urban Areas (Development) Act, 1975 and also against to Articles 14 and 300-A of Constitution of India and consequently direct the respondent not to grant any lay out pending disposal of the writ petition.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondent: MR.B.VISWANATHA REDDY, Standing Counsel for HUDA

The Court at the stage of admission made the following O R D E R:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent. Both the learned counsel had no objection to dispose of the writ petition at the stage of admission.

The petitioner, who claims to be succeeded the properties to an extent of Acs.17.10 guntas of land out of Acs.84.17 guntas of joint patta in Survey Nos.61, 68, 71 to 75, 77 to 79 and 81 to 83 of Annogiguda Village, filed O.S.No.166 of 2003 before the learned II Additional District Judge, Ranga Reddy District, for partition. In the said suit, he filed I.A.No.2576 of 2003 for temporary injunction but the same was dismissed. Against which, he carried the matter in appeal before this Court in CMA.No.863 of 2004. This Court allowed the said appeal on 26-04-2004. On coming to know that the defendant in the said suit filed an application before the respondent for sanctioning of the layout over the said land, he made an objection/application before the respondent on 04-09-2004 under sub-section (3) of Section 42 of the A.P. Urban Areas (Development) Act, 1975 requesting not to sanction any

lay-out to the defendant over the land in question and also filed the present writ petition before this Court seeking declaration that the respondent without considering the petitioner's objections cannot sanction the layout to the defendant for the land referred to above.

It is needless to add that whenever a layout proposal is made by the land owners,

the Urban Development Authority has to notify the same inviting objections from the general public and once such an objections are filed, the said authority is under an obligation to consider such objections before sanctioning of the lay-out.

In view of the same, the respondent is directed to consider the objections filed by the petitioner by providing an opportunity of hearing and only after disposal of the said objections, the layout should be sanctioned for the land in question, if not already sanctioned.

With the above observations, the writ petition is disposed of. No costs.

14th SEPTEMBER, 2004.

kvni

To

1. The Vice-Chairman, Hyderabad Urban Development Authority, Paigah Palace, Secunderabad.
2. Two C.D copies